

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension of)	
)	CONSENT ORDER OF
the Educator Certificate of)	
)	SUSPENSION
Maxie Krause,)	
)	
Certificate 139755)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this certificate suspension matter on February 8, 2005. On December 10, 2004, the South Carolina Department of Education (Department) sent Maxie Krause a notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate number 139755 on the grounds of unprofessional conduct. Said notice was sent by certified mail, return receipt, restricted delivery, and regular mail. Mr. Krause received the notice as evidenced by a postal receipt bearing his signature. Mr. Krause requested a hearing on December 23, 2004, but withdrew his request on January 27, 2005. After considering the evidence presented, the State Board voted to suspend Mr. Krause's teaching certificate 139755 for a period of two years, commencing on February 8, 2005, and ending February 9, 2007.

FINDINGS OF FACT

Mr. Krause holds a valid South Carolina certificate with over nineteen years of teaching experience. On November 1, 2004, Mr. Krause resigned from D. R. Hill Middle School, Spartanburg County School District Five, after allegations that he had repeatedly used excessive physical force against students.

CONCLUSIONS OF LAW

“The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-25-160 (2004); S.C. Code Ann. Regs. 43-58 (1991). Just cause includes unprofessional conduct and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (1990). The State Board finds that there is sufficient evidence to supports its decision to accept the suspension of Mr. Krause’s certificate 139755, from February 8, 2005, through February 9, 2007, upon the conditions set forth above. At the end of suspension period, he may re-apply for reinstatement with the Office of Teacher Certification and he must meet all current certification requirements.

South Carolina State Board of Education

By: /S/ Paul M. Forrester

Paul M. Forrester

Chair

Columbia, South Carolina

February 8, 2005